

Application No. 10/626,989  
Response Dated 02/2/2007  
Reply to Office Action of 12/05/2006  
Page 6 of 8

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**REMARKS:**

These remarks are in response to the final Office Action mailed December 05, 2006, in which claims 1, 5-16 and 19-25 are pending. Claims 1, 5-16 and 19-25 stand rejected.

The Examiner rejected all of the pending claims in the present application under 35 U.S.C 103(a) as being allegedly unpatentable over reference combinations defined in the Office Action, each combination of references including Yin et al (U.S.P.N. 5,711,076, hereinafter "Yin").

In making the rejections the Examiner alleges that Yin shows that it is known to carry out a method for making a shaving aid cartridge wherein the shaving aid body comprises astringents, medicinal agents, and conditioning agents (col 4, lines 49-56). The Examiner goes on to allege that astringents, medicinal agents and conditioning agents are considered to be soap materials.

The Applicants respectfully traverse the Examiner's statements regarding the disclosure and teachings of Yin and make the following arguments:

The disclosure of Yin is directed to a shaving system that includes a water leachable shaving aid composite positioned to deliver a shaving aid to the skin behind flexible skin-engaging protrusions. At col 4, lines 14-20 Yin discloses "[s]having aid composites 24, 36, 46, 52 preferably comprise a matrix of a water-insoluble polymer and, dispersed within the matrix, a skin lubricating water-soluble polymer. Alternatively, the shaving aid composite may comprise a sheath of water-insoluble polymer (e.g., the cavity defining component in FIG. 5) that surrounds a core which includes a skin-lubricating water-soluble polymer."

At col 4, lines 49-56 Yin discloses "[t]he shaving aid composite may also optionally include an inclusion complex of a skin-soothing agent with a cyclodextrin, low molecular weight water-soluble release enhancing agents such as polyethylene glycol (e.g., 1-10% by weight), water-swellaable release enhancing agents such as cross-linked polyacrylics (e.g., 2-7% by weight), colorants, antioxidants, preservatives, microbicidal agents, beard softeners, astringents, depilatories, medicinal agents, conditioning agents, cooling agents, etc."

At the col 5, lines 2-4 Yin discloses "[s]having aid composites are made by extruding the polyethylene oxide (PEO) blend using an Haake HBI system 90 at typical processing

Application No. 10/626,989  
Response Dated 02/2/2007  
Reply to Office Action of 12/05/2006  
Page 7 of 8

conditions." Yin further discloses at col 5, lines 55-57 "[t]he PEO blend was extruded to the necessary profile using a Haake HBI System 90 extruder at around 180°-200° C."

Thus the disclosure and teaching of Yin as a whole in regard to his shaving aid composite is that the shaving aid composite comprises a water-insoluble polymer and a water-soluble polymer. The water-soluble polymer may be an inclusion or a core within a matrix or a sheath respectively of the water-insoluble polymer. The shaving aid composite may optionally include an agent as recited previously. The shaving aid composite is manufactured by extrusion at a processing temperature around 180°-200° C. One of skill in the art would understand that the optionally included agent disclosed or taught by Yin must be compatible with the processing method disclosed or taught therein.

One of skill in the art of the present invention will understand a soap material, as recited in the context of independent claims 1 and 11 of the present application to be a composition saponified or neutralized from a mineral or vegetable oil or an animal fat and may also include a synthetic detergent as defined in paragraph [0022] of the present application. A soap material requires a moisture content of between about 4% and about 15% or more in order to maintain its integrity as a waxy solid body. If a soap material is entirely dessicated to remove its moisture content it will generally form a loose powder and lose its integrity as a solid body. One of skill in the art will readily understand that processing a soap material at a temperature around 180°-200° C as disclosed by Yin will dessicate the soap material (water having a boiling point of 100° C at STP (standard temperature and pressure)). Thus one of skill in the art would not be motivated to process soap at the temperatures disclosed by Yin with a reasonable expectation of success if the generally accepted properties of the soap material were required to exist post-processing. In fact the present application recites in claims 1 and 11 a shaving aid *body* (*emphasis added*) and not a dessicated loose powder.

Consequently the Applicants contend that the shaving aid composite disclosed by Yin is entirely incompatible with a soap material recited in claims 1 and 11 of the present application. Thus the optionally included agents of col 4, lines 49-56 of Yin cannot include or be descriptive of the specific attributes and properties of a soap material of claims 1 and 11.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the

Application No. 10/626,989  
Response Dated 02/2/2007  
Reply to Office Action of 12/05/2006  
Page 8 of 8

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FEB 02 2007

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The Applicants contend that Yin, as the sole reference alleged by the Examiner to disclose a soap material, for at least the reasons stated above, fails to disclose, teach or suggest "a soap material" as recited in part in independent claims 1 and 11 of the present application. Therefore no combination of references cited by the Examiner in the Office Action disclose, teach or suggest "a soap material" of claims 1 and 11.

Dependent claims, by definition, further define the subject matter of the independent claim from which they depend. Because claims 5-10 and 19-23 depend, directly or indirectly from claim 1 and claims 12-16 and 24-25 depend, directly or indirectly, from claim 11, these claims add recitations that further define the subject matter of independent claims 1 and 11. As claims 1 and 11 are believed to be allowable, claims 5-10, 12-16 and 19-25 are therefore also believed to be allowable. The Applicants therefore respectfully request the Examiner to reconsider and withdraw the rejections of claims 1, 5-16 and 19-25 under 35 U.S.C. 103(a).

**SUMMARY:**

In summary, the Applicants believe that the foregoing remarks are fully responsive to the Office Action and that the claims herein are allowable. The Applicants therefore respectfully request that the rejection be withdrawn and the present application be passed onto allowance.

The Applicants believe that no additional fees are due with the filing of the present response, however, if any additional fees are due, please charge Deposit Account Deposit Account No 504112.

Respectfully submitted,

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